

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

TRAVIS MENDES,

Defendant.

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Criminal Action No. 1:19-cr-10233-IT

MEMORANDUM & ORDER

March 21, 2025

TALWANI, D.J.

Pending before the court is Defendant Travis Mendes's Motion to Reduce Sentence [Doc. No. 144]. The motion requests resentencing based on retroactive application of U.S. Sentencing Guidelines Amendment 821 and requests credit toward his sentence for time spent in state custody while he was subject to a federal detainer.

Mendes is not eligible for a sentence reduction based on retroactive application of Amendment 821. Amendment 821 addresses "status points" in the calculation of the Criminal History Category under U.S.S.G. § 4A1.1 and downward adjustments for "zero-point offenders" under § 4C1.1. Mendes received 15 criminal history points at sentencing. Sentencing Tr. 9–10 [Doc. No. 141]. Mendes is thus ineligible for a sentence adjustment based on Amendment 821. See U.S.S.G. § 4C1.1(a)(1) (providing offense level decrease where "the defendant did not receive any criminal history points from Chapter Four, Part A"). Mendes also was sentenced to the mandatory-minimum term of 10 years' imprisonment, which was not affected by the amendment.

Mendes also requests that he receive credit toward his sentence for the period of June 18, 2019, through December 4, 2019, on the basis that a federal detainer was placed on him in early

July 2019. See Mot. [Doc. No. 144]. The Bureau of Prisons (“BOP”) has authority to calculate the credit due, and Mendes has made no showing that he has requested BOP review of his request for credit. Accordingly, the matter is not properly before this court. In any event, the court sees no reason why the BOP should have credited that state time toward Mendes’s federal sentence where the Presentence Investigation Report shows that Mendes was serving a probation violation sentence for an unrelated matter while in state custody.

Accordingly, the request for resentencing is DENIED.

IT IS SO ORDERED.

March 21, 2025

/s/Indira Talwani
United States District Judge